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EXAMINER

VANDERPUE, KENNETH N

ART UNIT PAPER NUMBER

2661

DATE MAILED: 12/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/425,118

Applicant(s)

ROBERTS ET AL.

Examiner

Kenneth N Vanderpuye

Art Unit

2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-18, 20-33 and 40-42 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-9 and 11-18 is/are allowed.
- 6) ☒ Claim(s) 10, 20, 21 and 40-42 is/are rejected.
- 7) ☒ Claim(s) 22-25 is/are objected to.
- 8) ☒ Claim(s) 26-33 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). -

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C.

112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 10, 40-42 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The use of the phrase "may be stored" is not a positive recitation. It is not clear if the applicant means may or may not be.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10, 20-21, 40-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomasson(6,205,473) in view of Stewart et al.(5,930,708).

With regards to claim 10, Thomasson teaches a satellite delivery system including:

A satellite transmitting signals(Fig. 1), and a downlink receiver for receiving signals from the satellite(Fig. 1, note that the location of the dish in relation to the server is immaterial because the dish itself does not have to necessarily house the receiver processing components. Hence the server is considered the satellite receiver) ..., wherein said signals are TCP/IP packets(TCP/IP packets are processed by the protocol stack, Fig. 2) and said TCP/IP packets are routed by a router(Fig. 2), and wherein said signals maybe stored as files in said receiver for later processing(Fig. 5@506). What Thomasson fails to teach is the integrated receiver/router wherein said integrated satellite receiver/router is a single product. This is taught by Stewart(Fig. 2, note that the ground station 14 houses a router and satellite processor component 62, Fig. 2@38 is considered a satellite antenna or dish). It would have been obvious to one of ordinary skill in the art to design the system in Thomasson as an integrated satellite receiver and router as taught by Stewart. The motivation being to quickly determine where to route data.

Claims 40-42 are rejected for the same reasons as claim 10 and are considered obvious as a matter of design choice. The words integrated, single product, single package are synonymous.

Claim 20 is rejected because Thomasson teaches a satellite receiver and router(Fig. 2) including a stellite receiver for receiving files(Fig. 2, server), and Ethernet capable router for routing files(Fig. 2@205), and HTTP server within the satellite receiver for communicating with an external device via a web brouser.(server has access to the internet). What Thomasson fails to teach is the integrated receiver/router. This is taught by Stewart(Fig. 2, note that the ground station 14 houses a router and satellite processor component 62, Fig. 2@38 is considered a satellite antenna or dish). It would have been obvious to one of ordinary skill in the art to design the system in Thomasson as an integrated satellite reciver and router as taught by Stewart. The motivation being to quickly determine where to route data.

Claims 21 is rejected because the use of flash memories for storing flies is well known in the art and would be obvious to combine this with Thomasson for the purpose of storing files.

Allowable Subject Matter

Claims 2-9, 11-18, are allowed.

Claims 22-25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 2-18, 20-25, 40-42 are drawn to a satellite receiver/router, classified in class 370, subclass 316.
- II. Claims 26-33 are drawn to flash memory storage, classified in class 365, subclass 185.33.

The inventions are distinct, each from the other because of the following reasons:


Inventions I and II are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP §

806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the integrated satellite receiver/router is designed to incorporate a router in a satellite receiver. The subcombination has separate utility such as floating gate memory storage.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth N Vanderpuye whose telephone number is 571-272-3078. The examiner can normally be reached on M-F(7:30-5:00) Second Friday Off.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KNV
12/12/04



KENNETH VANDERPUYE
PRIMARY EXAMINER